

Sunset Public Hearing Questions for  
**Emergency Communications Board**  
Created by Section 7-86-302, *Tennessee Code Annotated*  
(Sunset Termination June 2021)

***Enabling Statute, Purpose, and Rules and Regulations***

**1. Please provide a brief introduction to the board, including information about its purpose, statutory duties, and staff.**

The Tennessee Emergency Communications Board (“Board” or “TECB”) administers the State’s 911 system. It is a self-funded agency administratively attached to the Department of Commerce and Insurance.<sup>1</sup>

The TECB was created “for the purpose of assisting emergency communications district boards of directors in the areas of management, operations, and accountability, and establishing emergency communications for all citizens of the state.”<sup>2</sup>

The TECB establishes technical, operational, financial and dispatcher training standards for the State’s 100 emergency communications districts (“ECDs”), and provides them with funding, technical service and oversight.<sup>3</sup>

The TECB administers and oversees the deployment of advanced 911 services for emerging communications technologies, including but not limited to, IP-enabled service that is capable of connecting users dialing or entering the digits 911 to public safety answering points (“PSAPs”).<sup>4</sup>

The TECB is modernizing Tennessee’s aging 911 infrastructure by deploying Next Generation 911. The Next Generation 911 (“NG911”) project converts Tennessee’s 911 system from analog to digital. The State’s traditional 911 infrastructure is being replaced with an upgraded internet protocol (“IP”) platform that will improve 911 call delivery, enhance interoperability between ECDs, and provide for the use of evolving 911 technology across the state. The TECB’s work on deploying NG911 across the state has made Tennessee a national leader in the provision of advanced 911 services.

The TECB’s structure and staff are represented in the following organizational chart:

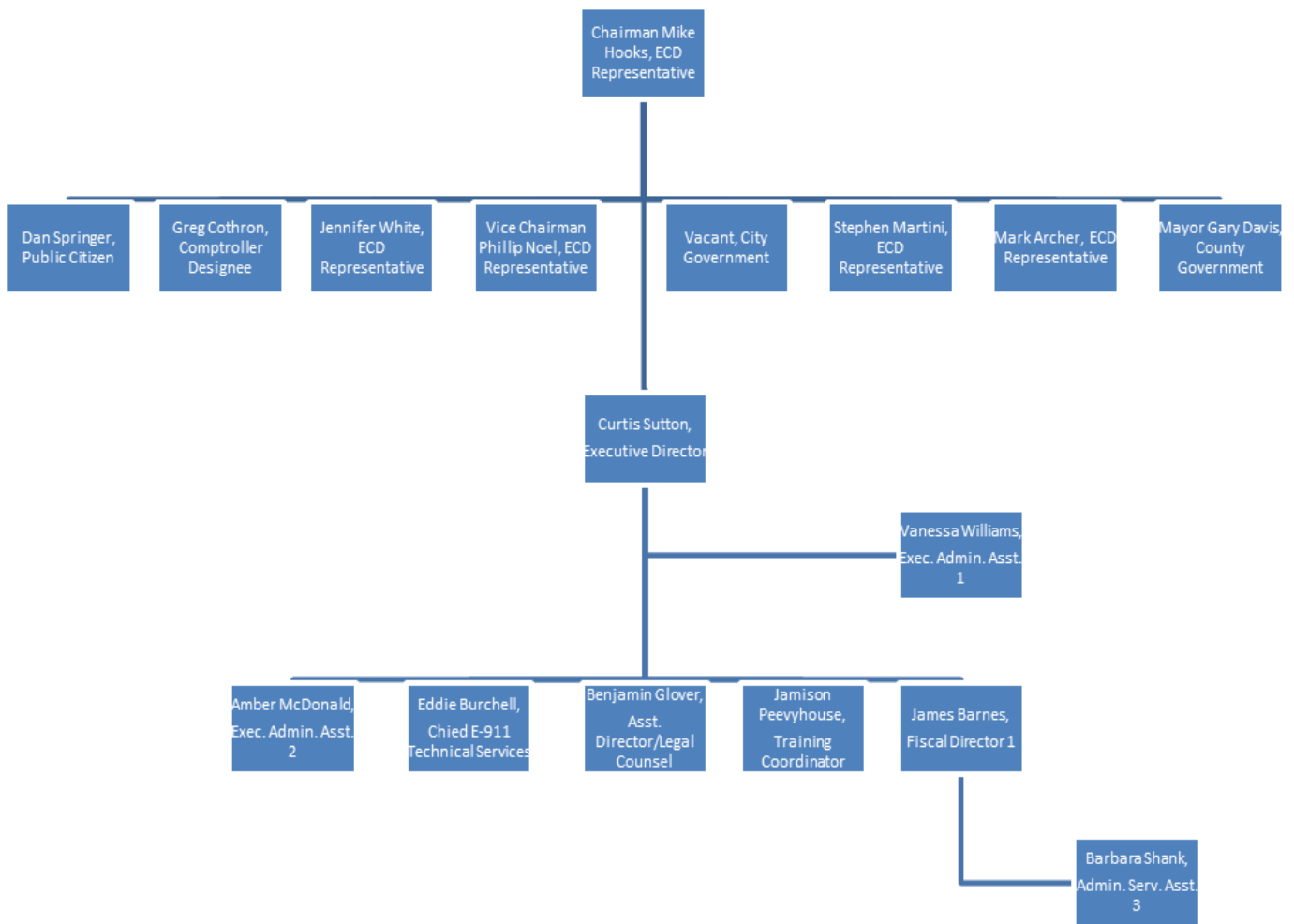
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<sup>1</sup> Tenn. Code Ann. § 7-86-302(a).

<sup>2</sup> Tenn. Code Ann. §§ 7-86-302(a).

<sup>3</sup> See Tenn. Code Ann. § 7-86-306(a).

<sup>4</sup> Tenn. Code Ann. § 7-86-306(a)(8).



**2. Has the board promulgated rules and regulations? If yes, please cite the reference(s).**

Pursuant to Tenn. Code Ann. § 7-86-306(a)(1), the board has authority to promulgate rules and regulations. The board has promulgated the following rules:

Yes, the Board has promulgated rules, which can be found in Tenn. Comp. R. and Regs. Chapter 0780-06-01 – 0780-06-05.

***Board Organization***

**3. Please provide a list of current members of the board. For each member, indicate who appointed the member, statutory member representation, the beginning and the end of the member's term, and whether the member is serving a consecutive term.**

As of July 1, 2020, the members of the Board are as follows:

Name of Board Member	Appointing Authority	Represents	Length of Term in Years**	Beginning Date	Ending Date	Number of Terms Served
Archer, Mark	Governor	ECDs West*	3	7/1/2018	6/30/2021	2 - Consecutive
Hooks, Mike	Governor	ECDs East*	3	7/1/2018	6/30/2021	2 - Consecutive
Martini, Stephen	Governor	ECDs Middle*	3	7/1/2018	6/30/2021	1
Davis, Gary	Senate Speaker	County Government	3	7/1/2018	6/30/2021	1
Noel, Phillip	House Speaker	ECDs At Large	3	7/1/2020	6/30/2023	2 - Consecutive
VACANT	House Speaker	City Government	3	-	-	0
Dan Springer	Governor	General Public	3	7/1/2020	6/30/2023	2 - Consecutive
Jennifer White	Senate Speaker	ECDs At Large	3	7/1/2019	7/30/2022	2 - Nonconsecutive
Cothron, Greg	Comptroller	Comptroller	Indefinite	Indefinite	Indefinite	Indefinite

**4. Are there any vacancies on the board? If yes, please indicate how long the position has been vacant and explain steps that have been taken to fill the vacancy.**

Yes, the representative of city government appointed by the speaker of the house of representatives has been vacant since July 1, 2020. See Tenn. Code Ann. § 7-86-302(b)(1)(D). Notification of the then upcoming vacancy was sent to the appointing authority via form SS-7022 on January 9, 2020.

**5. How many times did the board meet during each of the last two fiscal years? How many members were present at each meeting? Please note meetings where the board did not have a quorum.**

Tenn. Code Ann. § 7-86-302(g) requires the board to meet at least quarterly. The TECB held six (6) meetings in FY18-19 and five (5) meetings in FY19-20.

The TECB does not have a formal member attendance policy; however, Tenn. Code Ann. 7-86-302(i)(1), provides that “Any member of the board who fails to attend at least fifty percent (50%) of the regularly scheduled meetings of the board within any twelve-month period shall automatically be removed from the board and a successor member shall be appointed by the appointing authority to serve out the remaining term of the member being replaced.”

FY1819 and FY19-20 board meeting dates and board member attendance:

August 1, 2018	9 members present
September 27, 2018	8 members present
November 7, 2018	9 members present
February 6, 2019	9 members present
May 1, 2019	9 members present
June 11, 2019	8 members present
August 7, 2019	9 members present
November 6, 2019	9 members present
February 5, 2020	8 members present
May 6, 2020	8 members present
June 8, 2020	9 members present

#### *Financial Information*

- 6. Please provide a summary of the revenues and expenditures for the board for each of the last two fiscal years. Does the board have a reserve balance? If yes, please provide additional relevant information regarding the reserve balance.**

See the attached schedule for revenues, expenditures and fund balance responses.

- 7. What per diem or travel reimbursements do board members receive? How much was paid to individual board members in each of the last two fiscal years?**

The Board reimburses Board members for Board related travel in accordance with Department of Finance and Administration Policy 8 – Comprehensive Travel Regulations. Please see the attached schedule for payment to individual Board members.

- 8. Is the Department of Commerce and Insurance responsible for developing and submitting a budget for the board?**

No, Tenn. Code Ann. § 7-86-306 gives the power to the Board to adopt a proposed budget, as part of the proposed budget of the department of commerce and insurance. TECB staff follows the guidelines, procedures and due dates for development, estimation, and preparation of a budget in accordance with State Department of Finance and Administration and Department of Commerce and Insurance requirements. This budget is combined with the Department of Commerce and Insurance budget for presentation in accordance with the state’s guidelines for approval by the general assembly in compliance

with Tenn. Code Ann. § 7-86-303. In November the developed budget for the subsequent fiscal year is presented to the Board and approval is obtained.

Tenn. Code Ann. § 7-86-303 established the emergency communications fund to accumulate and allow for disbursements limited solely to the operational and administrative expenses of the Board and further defines certain obligations for payment be included in the board's operational expenses. The Board's budget is funded by the 911 surcharge established in § 7-86-128.

### ***Sunshine Law, Public Meetings, and Conflict of Interest Policies***

- 9. Is the board subject to sunshine law requirements for public notice of meetings, prompt and full recording of minutes, and public access to minutes? (This provision of state law is located in *Tennessee Code Annotated*, Section 8-44-101 et seq.)? If so, what procedures does the board have for informing the public of meetings and making minutes available to the public?**

Yes, the board is subject to sunshine law requirements for public notice of meetings and full recording of minutes, and public access to minutes. Pursuant to Sections III.D of the board's Bylaws:

#### **III D. Public Notice.**

Public Notice of regularly scheduled board meetings shall be posted on the board's website at least seven (7) days prior to a regularly scheduled meeting of the board and such notice shall contain an agenda of the items to be addressed by the board. Substantive changes to the agenda should be made no later than three (3) days prior to a meeting of the board. Notice of special or emergency meetings called by the chair shall be posted to the board's website no later than three (3) days prior to the meeting and shall state the purpose thereof.

Historically the TECB provides public notices of board and committee meetings around thirty (30) days in advance of the meetings and agendas around seven (7) days in advance of the meetings. The TECB emails notices and agendas of its meetings to all persons on the TECB email distribution list, and places notices on the primary website for the Department of Commerce and Insurance, <https://www.tn.gov/commerce/resources/public-meetings>. All meetings are either video or audio recorded and available through the Department of Commerce and Insurance's website. Also, minutes of board meetings are created, approved, and available to the public upon request.

- 10. Does the board allow for public comment at meetings? Is prior notice required for public comment to be heard? If public comment is not allowed, how does the board obtain feedback from the public and those they regulate?**

Yes, Section III.G of the board's Bylaws provide for public comment:

### III G. Public Comments.

- a. **Open Public Comment Period:** The Open Public Comment Period is the public comment period at the beginning of each and every board meeting prior to the commencement of board business. To comment before the board during an Open Public Comment Period a comment form provided by board staff must be completed. Interested persons must contact Board staff at least two (2) hours prior to a board meeting to request and complete a comment form. Comments before the board during this period are not limited to items on the agenda or other board business being considered by the board at that board meeting. All public comments during this period shall be limited to five (5) minutes per person and the total open public comment period shall not exceed fifteen (15) minutes, unless the presiding officer grants an extension of time.
- b. **Agenda Item Comment Period:** The Agenda Item Comment Period is the public comment period that can occur at a board meeting preceding board action on an agenda item or other board business at the discretion of the presiding officer. To comment before the board during an Open Public Comment Period a comment form provided by board staff does not have to be completed. Interested persons may contact board staff at least two (2) hours prior to a Board meeting to request and complete a comment form but are not required to do so in order to comment during an Agenda Item Comment Period. Comments before the board during this period are limited to items on the agenda or other board business being considered by the board at that board meeting. All public comments during this period shall be limited to three (3) minutes per person and the total open public comment period shall not exceed nine (9) minutes, unless the presiding officer grants an extension of time.

**11. Does the board have policies to address potential conflict of interest by members, employees, or other state employees who work with the board?**

Yes, each board member signs a “Tennessee Emergency Communications Board Ethics and Conflict of Interest Policy” during their initial board member orientation. A copy of the policy is attached.

### ***Reports, Major Accomplishments, and Proposed Legislative Changes***

**12. What were the board’s major accomplishments during the last two fiscal years? Specifically, what has the board accomplished to carry out each of the duties enumerated in Section 7-86-306, *Tennessee Code Annotated*.**

In FY18-19, the TECB voted to proceed with moving from AT&T’s microDATA-based Internet protocol selective routing (IPSR) solution to its nationwide ESInet™ with Next Generation Core Services (NGCS) solution. This decision includes a transition to the automatic location identification (ALI) platform also supported by the AT&T nationwide

solution. This change will allow the state of Tennessee to continue its leadership in NG911 and will enable the TECB to deliver enhanced technology services, including deployment of Text-to-911.

In FY18-19, the Board also began offering Text-to-911 service to Tennessee's 100 emergency communications districts. Text-to-911 was successfully deployed in Hamilton County, Memphis and part of Madison County in FY18-19. Text-to-911 was deployed in thirteen (13) more districts in FY19-20.

The TECB is committed to ensuring 911 telecommunicators are providing Tennesseans with the highest level of 911 service. The TECB fulfills this commitment by providing numerous education and training opportunities for 911 districts and telecommunicators. In FY18-19 and FY19-20, the TECB provided over 25,000 hours of tuition-free training to the state's 911 professionals.

The TECB partnered with the National Emergency Number Association ("NENA") to offer several in-person training programs throughout the state. In FY18-19, in excess of 2,500 hours of training was executed through courses such as: Center Supervisor; 911 Center Training Officer; Recruit, Hire, Retain and Promote for Success; Advanced Police Dispatch; Advanced Fire/EMS Dispatch; and Enhanced Caller Management.

These courses continued into 2020, where an additional 2,700 hours of training was executed. Two (2) courses were rescheduled due to COVID-19, and three courses were cancelled. NENA courses provide direct benefit to the leadership of 911 in Tennessee. The TECB also provided training through its Virtual Academy on-line training platform at no cost to Tennessee's 911 telecommunicators. The Virtual Academy initiative has been an enormous success, averaging more than seven hundred (700) hours of training each month. The platform saves local jurisdictions significant time and money, ensuring their employees meet Tennessee's training requirements while reducing travel, staffing, and tuition costs.

In FY18-19, there were 1,938 users registered on the platform, and over 9,000 hours of content was delivered. In FY19-20, registrations grew to 2,190 users and over 11,000 hours of content was delivered. Since the launch of the program in 2018, the platform has provided 21,500+ hours of training to 911 professionals across the state. Virtual Academy provides direct benefit to the frontline operations of 911 in Tennessee.

**13. What reports does board prepare to provide the public with information about its activities, operations, and accomplishments? Who receives copies of these reports? Please provide a link to any reports issued in the last two fiscal years.**

The board is required by Tenn. Code Ann. §§ 7-86-128(b)(3) to report to the Finance, Ways and Means Committees of the House and Senate "on the financial status and solvency of emergency communications districts, status of the implementation of a uniform statewide 911 system and the status, level and solvency of the 911 Emergency Communications Fund."

Pursuant to Tenn. Code Ann. § 7-86-315 the board is also required to “report annually to the governor and the speakers of the general assembly on the activities of the board for the preceding year.”

Copies of these reports for the last fifteen years can be found here: <https://www.tn.gov/commerce/e911/financial-information/annual-report.html>.

Tenn. Code Ann. § 7-86-302(k) also requires the board to “compile a report of the board’s expenditures by item and revenue by source for the quarter prior to each board meeting, with the most recent report to be posted and prominently displayed on the board’s web site each quarter.”

Copies of the board’s financial reports can be found here: <https://www.tn.gov/commerce/e911/financial-information/financial-report.html>.

In addition to the report required by statute, the board provides updated information sheets following each regularly scheduled quarterly meetings on each of the board’s on-going projects. Copies of these information sheets can be found here: <https://www.tn.gov/commerce/e911/about-tecb/projects.html>.

Finally, the board updates its strategic plan every other year following the results of a satisfaction survey and feedback from Tennessee’s emergency communications districts. A copy of the board’s most recent strategic plan can be found here: [https://www.tn.gov/content/dam/tn/commerce/documents/e911/posts/E911\\_TECB\\_StrategicPlan\\_\\_May2019.pdf](https://www.tn.gov/content/dam/tn/commerce/documents/e911/posts/E911_TECB_StrategicPlan__May2019.pdf).

**14. Please describe any items related to the board that require legislative attention and the proposed legislative changes.**

The board has not identified any current items requiring legislative attention.

**15. Should the board be continued? To what extent and in what ways would the absence of the board affect the health, safety, or welfare of Tennesseans?**

Yes, the Board should be continued. Tennessee is a national leader in the advancement of 911 due to the insightfulness of the General Assembly in creating a state 911 board with appropriate powers and duties to provide governance and assistance to the 100 local ECDs spread across the state.

Since the Board was created in 1998, it has taken steps to assure that all 100 emergency communications districts in Tennessee, from the most populous to the most rural, can provide uniform statewide 911 service to our citizens. As the General Assembly has wisely recognized, uniform, statewide 911 service is a necessity, especially in a mobile society.



The Board plays a significant role in administering and maintaining the State's 911 system by providing funding, technical, management and operational assistance to the ECDs in the state. The Board also plays a critical role in ensuring the proper use of 911 revenue by establishing revenue standards and overseeing the financial stability of the local ECDs. Additionally, the Board serves a critical role in establishing technical standards and providing the technology necessary to connect 911 callers across the state to the "first, first-responders" -- the local call takers and dispatchers who send help during emergencies. As 911 technology evolves and NG911 progresses, continuance of the Board to provide governance and support at a state level is essential to ensure a uniform state-wide level of 911 service that Tennesseans have come to expect.

The absence of the Board would be detrimental to 911 in Tennessee, especially as it would result in the derailment of the state's NG911 program. The time, effort and money dedicated to the program would be lost without the TECB, as it plays a critical role in the deployment and oversight of our NG911 network. The Board has been the central coordinator for the program, developing the necessary relationships with local, federal and state agencies, as well as outside stakeholders, to coordinate the effective funding and deployment of the NG911 program. Deployment of 911 service, enhanced 911 service, NG911 service and Text-to-911 projects are tied to the existence of a statewide body to advocate for 911. As NG911 continues to progress across the nation, federal agencies and other national 911 organizations continue to emphasize the importance of governance at a state level in order to effectively organize and deploy advanced state-wide 911 networks, such as NG911.

The TECB also operates as the centralized funding source for all of Tennessee's ECDs. The 911 Funding Modernization and IP Transition Act of 2014 created a uniform \$1.16 911 surcharge on all communications services capable of contacting 911. Prior to the Act, various rates were imposed on different types of communications services. The Act of 2014 requires the Board to annually distribute to each ECD an amount equal to the average of total recurring annual revenue the ECD received from the TECB and from the direct remittance of landline 911 fees for fiscal years 2010 through 2012. The Act guarantees that no ECD will receive less than the total amount it received in fiscal year 2012. The Act also requires the Board to reimburse the Tennessee Public Utility Commission for the Tennessee Relay Services/Telecommunications Devices Access Program ("TRS/TDAP").

The Board is also responsible for establishing minimum dispatcher training standards and provides free online training to all of Tennessee's ECDs. Without a central authority establishing and monitoring those standards, Tennesseans would not enjoy the level of competence and professionalism that they receive today when they call 911.

Last, the TECB provides expert training and guidance to assist in the management and operations of ECDs. Without the Board's oversight and support of the ECDs, establishment of 911 technical, training, operating and revenue standards, and coordination and deployment of NG911, the public health, safety and welfare of citizens across the state would be greatly endangered, as removal of the Board would result in impeding the

progress Tennessee has made with respect to 911. It would truly hinder Tennesseans' accessibility to the lifesaving power of 911.

**16. Identify the appropriate agency representative or representatives possessing substantial knowledge and understanding of the responses provided to the sunset review questions.**

Curtis S. Sutton, Executive Director  
Benjamin Glover, Assistant Director/General Counsel  
James Barnes, Fiscal Director

**17. Identify the appropriate agency representative or representatives who will respond to the questions at the scheduled sunset hearing.**

Curtis S. Sutton, Executive Director  
Benjamin Glover, Assistant Director/General Counsel  
James Barnes, Fiscal Director

**18. Please provide the office address, telephone number, and email address of the agency representative or representatives who will respond to the questions at the scheduled sunset hearing.**

Curtis S. Sutton, Executive Director  
500 James Robertson Parkway  
Nashville, TN 37243  
615-618-5552  
[Curtis.Sutton@tn.gov](mailto:Curtis.Sutton@tn.gov)

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**TENNESSEE EMERGENCY COMMUNICATIONS BOARD**  
**2020 Sunset Audit Question # 6 (part A)**

Please provide a summary of the revenues and expenditures for the board for each of the last two fiscal years.

<b>Description</b>	<b>FY2018 Actual Exp.</b>	<b>FY2019 Actual Exp.</b>	<b>FY2020 Thru 5/31/20</b>
<b>Expenditures</b>			
Salaries & Wages (010)	670,765	631,132	595,380
Longevity (012)	15,407	18,837	12,772
Overtime (014)	-	-	-
Employee Benefits (020)	259,652	240,074	225,607
<b>Payroll Expenditures</b>	<b>945,824</b>	<b>890,044</b>	<b>833,759</b>
Travel (03)	58,889	32,861	20,982
Printing & Duplicating (04)	-	-	-
Utilities & Fuel (05)	389	-	-
Communications (06)	319	395	345
Maintenance & Repairs (07)	-	-	149
Prof. Svc. & Dues (08)	4,478,075	3,951,410	2,534,933
Supplies & Materials (09)	1,841	2,336	1,339
Rentals & Insurance (10)	1,204	51	1,160
Motor Vehicle Ops. (11)	-	75	45
Awards & Indemnities (12)	-	410	-
Grants & Subsidies (13)	91,824,626	98,066,794	76,016,638
Unclassified (14)	800	800	23
Stores for Resale (15)	-	-	-
Equipment (16)	-	-	-
Land (17)	-	-	-
Buildings (18)	-	-	-
Discounts Lost (19)	-	-	-
Highway Construction (20)	-	-	-
Training of State Emp (21)	7,094	9,142	1,934
Computer Related Items (22)	13,632,410	7,984,217	8,262,200
State Prof. Svcs. (25)	3,285,981	2,986,593	1,995,041
<b>Other Expenditures</b>	<b>113,291,628</b>	<b>113,035,084</b>	<b>88,834,791</b>
<b>TOTAL EXPENDITURES</b>	<b>114,237,452</b>	<b>113,925,128</b>	<b>89,668,549</b>
<b>Revenues</b>			
Revenue Source (E-911) (62142000)	90,851,378	85,728,580	72,178,748
Prepaid Wireless Telephone Chg. (62173000)	20,376,357	19,923,853	18,690,357
Federal Revenue (68001000)	-	-	1,294,758
Departmental Interest (68085000)	530,231	714,630	459,197
Interdepartmental Reserves (196)	2,400	-	-
<b>TOTAL REVENUES</b>	<b>111,760,366</b>	<b>106,367,063</b>	<b>92,623,060</b>

FY	Date	Board Member	Cost		Subtotal	
2018	5/2/2018	Bob McNeill	557.65	TECB	557.65	Bob McNeill
2019	8/1/2018	Bob McNeill	518.34	TECB		
2019	9/27/2018	Bob McNeill	557.65	TECB		
2019	11/7/2018	Bob McNeill	521.92	TECB		
2019	2/6/2019	Bob McNeill	474.78	TECB		
2019	5/1/2019	Bob McNeill	359.22	TECB	2,431.91	Bob McNeill
2019	8/1/2018	Jill Holland	119.00	TECB		
2019	11/7/2018	Jill Holland	119.00	TECB		
2019	5/1/2019	Jill Holland	119.00	TECB	357.00	Jill Holland
		FY2019	<u>2,788.91</u>			
2020	2/5/2020	Jennifer White	218.47	TECB	218.47	Jennifer White
2020	2/5/2020	Mike Hooks	912.02	TECB & Day on Hill		
2020	2/27/2020	Mike Hooks	141.94	Legis meeting		
2020	3/19/2020	Mike Hooks	141.94	Legis meeting	1,195.90	Mike Hooks
		FY2020	<u>1,414.37</u>			



STATE OF TENNESSEE  
TENNESSEE EMERGENCY COMMUNICATIONS BOARD  
DEPARTMENT OF COMMERCE & INSURANCE  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TENNESSEE 37243-0582  
615-253-2164

## **POLICY NO. 07**

### **BOARD ETHICS POLICY**

**PURPOSE:** The following policy establishes a standard code of ethics for members of the board, as required by the Comprehensive Ethics Reform Act, Tenn. Code Ann. § 8-17-101 *et seq.*

#### **POLICY:**

1. Application:

This Policy applies to all members of the Tennessee Emergency Communications Board.

2. Board member responsibilities:

Each board member shall avoid any action, whether or not specifically prohibited by statute, regulation, or policy, which might result in or create the appearance of:

- i. Using public office for private gain;
- ii. Giving preferential treatment to any person;
- iii. Impeding government efficiency or economy;
- iv. Losing complete independence or impartiality;
- v. Making a government decision outside of official channels; or
- vi. Affecting adversely the confidence of the public in the integrity of the Emergency Communications Board.

3. Gifts:

No board member shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the board member's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:

- i. Has, or is seeking to obtain, contractual or other business or financial relations with the Emergency Communications Board or any other entity in which the board member is employed; or
- ii. Conducts operations or activities that are regulated by the Emergency Communications Board or any other entity in which the board member is employed; or
- iii. Has interests that may be substantially affected by the performance or nonperformance of the board member's official duties.

4. Exceptions:

The prohibition on accepting gifts in paragraph 3 does not apply to:

- i. A gift given by a member of the board member's immediate family, or by an individual if the gift is given for a nonbusiness purpose and is motivated by a close personal friendship and not by the position of the board member. In determining whether a gift falls within this subsection, the factors contained in Tenn. Code Ann. Section 3-6-114(b) (3) (A) and (B) shall apply.
- ii. Informational materials in the form of books, articles periodicals, other written materials, audiotapes, videotapes, or other forms of communication;
- iii. Sample merchandise, promotional items, and appreciation tokens; provided they are routinely given to customers, suppliers or potential customers in the ordinary course of business;
- iv. Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento and similar items; provided that any such item shall not be in a form which can be readily converted to cash;
- v. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in paragraph 3;
- vi. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the State. In such circumstances, the board member is to use his or her best judgment, and provide to the other board members a written disclosure of the gift, including a description, estimated value, the identity of the person or entity providing the gift, and any explanation necessary within fourteen (14) days;
- vii. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the board member is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings; and
- viii. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in paragraph 3.

5. Financial Interests.

- i. With the exception of the salary of the board member appointed pursuant to Tenn. Code Ann. § 7-86-302, if such board member is a state employee, no board member shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the State or any of its agencies with regard to matters related to E911 or emergency communications. In recognition of the fact that many husbands and wives have separate careers, the normal employment compensation of a spouse whose regular, ongoing employer or business has a “benefit” to the board member, provided the contract with the State was procured without any participation, assistance or influence by the board member.
  - ii. No board member shall have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her board-related duties or responsibilities. “Indirect financial interest” in this case includes a substantial interest on the part of a parent, spouse, or minor child of the board member. This subsection shall not apply to interests that have been placed into a “blind trust” arrangement pursuant to which the board member does not have knowledge of the retention or disposition of such interests. This subsection also shall not apply to ownership of publicly traded stocks or bonds where such ownership constitutes less than two percent (2%) of the total outstanding amount of the stocks or bonds of the issuing entity. If, at the time the board member begins his or her term on the board or at any subsequent time while serving on the Board, the board member possesses such direct or indirect financial interests prohibited by subsections (i) or (ii), the board member shall divest such interest within a reasonable time.
- 6. Use of Information:  
No board member shall, directly or indirectly:
  - i. Use, disclose, or allow the use of official information which was obtained through or in connection with his or her membership on the Emergency Communications Board and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the board member; or
  - ii. Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her membership on the Emergency Communications Board.
- 7. Use of government property:  
No board member shall make use of the facilities, equipment, personnel or supplies of the State or its agencies for private use or gain, except to the extent that the use is incidental or *de minimus* or is lawfully available to the general public.
- 8. Ex Parte Communications in pending proceedings pursuant to Tenn. Code Ann. § 7-86-312.
  - i. Upon receipt by the Board of a resolution from a city or county governing body requesting the Board to review a decision of the board of directors of the emergency communications district serving such city or county pursuant to Tenn. Code Ann. § 7-86-312, Board members may not communicate, directly or indirectly, regarding any issue related to the decision under review, while the

request for review is pending, with any person without providing notice and an opportunity to participate in the communication.

- ii. Notwithstanding subsection (i) Board members may communicate with Board staff on pending requests for review, members of the staff of the attorney general and reporter or a licensed attorney who has no interest in the decision being reviewed and agrees that the communication is privileged.

**Effective: August 5, 2015.**

**Supersedes: Policy No. 18 (Adopted 1-15-04)**

#### **Declaration of Compliance**

I, \_\_\_\_\_, hereby affirm that I have read and understand the Ethics and Conflict of Interest Policy of the Tennessee Emergency Communications Board and agree to comply with it.

\_\_\_\_\_  
Board Member  
Tennessee Emergency Communications Board

\_\_\_\_\_  
Date